

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

400C0317

## SENATE BILL NO. 21

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to specify the responsible party for inmate transportation  
2 to court-ordered hearings.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 19-5-5 be amended to read as follows:

5 19-5-5. A person confined in any prison ~~in this state~~, facility, or program under the control  
6 of the Department of Corrections pursuant to § 1-15-1.4, may, by order of any court, be required  
7 to be produced for oral examination, by the Department of Corrections, in the county where ~~he~~  
8 the person is imprisoned.

9 Section 2. That § 19-5-6 be amended to read as follows:

10 19-5-6. Except as provided by § 19-5-5, the examination of a person confined in any prison  
11 ~~in this state must~~, facility, or program under the control of the Department of Corrections  
12 pursuant to § 1-15-1.4, shall be by deposition.

13 While a ~~prisoner's~~ an inmate's deposition is being taken, ~~he~~ the inmate shall remain in the  
14 custody of the officer ~~having him~~ in charge of the inmate, who and the officer in charge shall  
15 afford reasonable facilities for the taking of the deposition. If the court orders that an inmate be  
16 present for oral examination in a county other than where the inmate is housed, the county where  
17 the action is venued is responsible for the transport of the inmate.

1       Section 3. That chapter 1-15 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       If an inmate confined in any prison, facility, or program under the control of the Department  
4 of Corrections pursuant to § 1-15-1.4, is ordered by the court to be present at a criminal  
5 proceeding or a sentence modification hearing pursuant to § 23A-27-19, the prosecuting county  
6 shall transport the inmate to the proceeding or hearing. If an inmate is ordered by a court to be  
7 present at a hearing under § 26-7A-122, the county where the hearing is held shall transport the  
8 inmate to the hearing. However, if the proceeding is for a criminal offense committed while the  
9 inmate was in a Department of Corrections institution, the Department of Corrections shall  
10 transport the inmate to the proceeding.

11       Section 4. That chapter 1-15 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13       If a county or the Department of Corrections transports an inmate to a court hearing and the  
14 transport is not the responsibility of the county or the Department of Corrections, the  
15 transporting entity shall bill the responsible entity for the actual costs incurred in the transport.